

DANIEL G. BOGDEN  
United States Attorney  
District of Nevada  
BLAINE T. WELSH  
Assistant United States Attorney  
Nevada Bar. No. 4790  
333 Las Vegas Blvd. South, Suite 5000  
Las Vegas, Nevada 89101  
Phone: (702) 388-6336  
Facsimile: (702) 388-6787  
Email: Blaine.Welsh@usdoj.gov

DAVID C. SHONKA  
Acting General Counsel  
NIKHIL SINGHVI  
JASON D. SCHALL  
HELEN P. WONG  
IOANA RUSU  
COURTNEY A. ESTEP  
THOMAS KANE  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Mailstop CC-10232  
Washington, D.C. 20580  
Phone: (202) 326-3480 (Singhvi)  
Facsimile: (202) 326-3768  
Email: [nsinghvi@ftc.gov](mailto:nsinghvi@ftc.gov) (Singhvi); [jschall@ftc.gov](mailto:jschall@ftc.gov) (Schall)  
*Attorneys for Plaintiff Federal Trade Commission*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMG Services, Inc. et al.,

Defendants, and

Park 269 LLC, et al.,

Relief Defendants.

Case No. 2:12-cv-536

**PLAINTIFF'S MOTION FOR  
CLARIFICATION REGARDING  
ORDER SETTING JUNE 9, 2016  
HEARING**

Plaintiff Federal Trade Commission (“FTC”) requests clarification of the Court’s Order (ECF No. 998) setting a June 9, 2016 date for a hearing on the FTC’s Motion for Order to Show Cause (ECF No. 974) and states as follows:

1. The Order states that the FTC’s Motion for Order to Show Cause “has been referred to the undersigned U.S. Magistrate Judge, pursuant to 28 USC 636(6)(B)(iii).”<sup>1</sup> (ECF No. 998 at 1.) The referenced statute states that if “the act [before a magistrate judge] constitutes a civil contempt, the magistrate judge shall forthwith certify the facts to a district judge. . . . The *district judge* shall thereupon *hear the evidence* as to the act or conduct complained . . .” 28 USC 636(e)(6)(B)(iii) (emphasis added).

2. The FTC requests clarification regarding whether the Order requires the FTC to introduce live testimony supporting the facts upon which its Motion for Order to Show cause is based (ECF No. 974).

3. If the Court’s Order contemplates live testimony, the FTC intends to call two witnesses – Victoria Budich and Scott Tucker – and requests that the Court order Scott Tucker to attend the June 9, 2016 hearing in person.<sup>2</sup> Alternatively, in light of the limited nature of the facts potentially in dispute, the FTC is prepared to argue the motion on the papers, and will promptly submit a supplemental declaration from Ms. Budich providing further detail regarding the basis for including each of the listed entities in Exhibit 12 (ECF No. 991-12 ¶ 3; 991-13).

Dated: May 26, 2016

Respectfully submitted,

/s/ Ioana Rusu

Nikhil Singhvi

Jason D. Schall

Helen P. Wong

Ioana Rusu

Courtney A. Estep

Thomas E. Kane

***Attorneys for Plaintiff  
Federal Trade Commission***

<sup>1</sup> From the context of the Order, the FTC believes that the Court intended to cite 28 USC 636(e)(6)(B)(iii).

<sup>2</sup> The FTC will consent to reasonable transportation expenses so that Scott Tucker may attend the June 9, 2016 hearing.

**CERTIFICATE OF SERVICE**

I, Ioana Rusu, certify that, as indicated below, all parties were served by ECF with **PLAINTIFF'S MOTION FOR CLARIFICATION REGARDING ORDER SETTING JUNE 9, 2016 HEARING** filed with the Court.

Von S. Heinz (vheinz@lrrc.com)

Darren J. Lemieux (dlemieux@lrrc.com)

E. Leif Reid (lreid@lrrc.com)

Jeffrey D. Morris (jmorris@berkowitzoliver.com)

Ryan C. Hudson (rhudson@berkowitzoliver.com)

Nick J. Kurt (nkurt@berkowitzoliver.com)

Justin C. Griffin (justingriffin@quinnemanuel.com)

Sanford I. Weisburst (sandyweisburst@quinnemanuel.com)

Kathleen Sullivan (kathleensullivan@quinnemanuel.com)

*Attorneys for Defendants AMG Capital Management, LLC; Level 5 Motorsports, LLC; LeadFlash Consulting, LLC; Black Creek Capital Corporation; Broadmoor Capital Partners, LLC; Scott A. Tucker; Nereyda M. Tucker, as Executor of the Estate of Blaine A. Tucker*

Patrick J. Reilly (preilly@hollandhart.com)

Linda C. McFee (lmcfee@mcdowellrice.com)

Robert Peter Smith (petesmith@mcdowellrice.com)

*Attorneys for Relief Defendants Kim C. Tucker and Park 269 LLC*

Victoria W. Ni (vni@publicjustice.net)

Craig B. Friedberg (attcbf@cox.net)

*Attorneys for Intervenor Americans for Financial Reform*

May 26, 2016

/s/ Ioana Rusu

Ioana Rusu